

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

TODD MOUSEL,

Plaintiff,

v.

CV 08-0769 MCA/WPL

TORRANCE COUNTY DETENTION FACILITY,

Defendant.

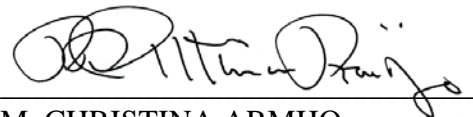
**ORDER ADOPTING MAGISTRATE JUDGE'S PROPOSED FINDINGS AND  
RECOMMENDED DISPOSITION**

This matter is before the Court on the Magistrate Judge's Proposed Findings and Recommended Disposition (PFRD), filed December 22, 2008. (Doc. 13.) The parties were notified that objections were due within ten days of service of the PFRD and that if no objections were filed, no appellate review would be allowed. To this date, no objections have been filed.

IT IS THEREFORE ORDERED that:

- 1) the PFRD is adopted as an order of the Court;
- 2) the motion to amend (Doc. 11) is granted;
- 3) the motion to dismiss (Doc. 3) is granted in part;
- 4) Mousel's claim under 42 U.S.C. § 1983 is dismissed without prejudice; and
- 5) in all other respects, this case is remanded to state court.

SO ORDERED this 20th day of January, 2009.



M. CHRISTINA ARMIJO  
United States District Judge